

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MENDEL PANETH,

Plaintiff,

v.

Case No. _____

JOHN DOE 1 THROUGH 3, all whose true
names are unknown,

Defendants.

COMPLAINT

Plaintiff, Mendel Paneth (“Plaintiff”) by and through his undersigned attorneys, for his Complaint against John Doe 1 through 3 (“Defendants”), states as follows:

SUMMARY OF THE ACTION

1. Plaintiff brings this action against Defendants for defamation, which Defendants accomplished through the posting of false and injurious statements about Plaintiff on YouTube, an online video-sharing platform.

PARTIES, JURISDICTION AND VENUE

2. At all times relevant to this Complaint, Plaintiff is and was a citizen and resident of the State of New York and resides in the Eastern District of New York.

3. At all times relevant to this Complaint, Plaintiff was a well-known publisher.

4. Because they have taken steps to conceal their identities, Plaintiff does not know the true name of the Defendants sued herein as John Does 1 through 3 and therefore sues such Defendants by these fictitious names. Plaintiff intends to amend this Complaint to set forth the true names and identities of such Defendants when such information is discovered.

5. Jurisdiction exists pursuant to 28 U.S.C. § 1332.

6. The amount in controversy exceeds \$75,000, exclusive of interest, attorneys' fees and costs.

7. Venue in the Eastern District of New York is proper pursuant to 28 U.S.C. § 1332, in that a substantial part of the events underlying the claim occurred here and/or a substantial part of the harm suffered by Plaintiff occurred here.

BACKGROUND

8. Plaintiff is a well-known publisher in the American Hasidic Jewish Community.

9. From 2014 to present, Plaintiff has served as the editor in chief for *Kindline*, a New York-based Yiddish language weekly magazine.

10. On January 16, 2021, Plaintiff published a "Behind the Scenes" video on YouTube (the "Video") regarding the story and publication process for *Kindline*.¹

11. In the days that followed, several YouTube users posted comments in Yiddish below the Video, using YouTube's comment feature.²

THE DEFAMATORY STATEMENTS

12. On or about January 18, 2021, John Doe #1, using the alias, or screen name, "Yanky Riech," posted a false defamatory and injurious message in the Yiddish language under the Video on the YouTube website.

13. The following statement, which is set forth *in haec verba*, is defamatory:

"Mendl Hersh was in rabbinical litigation with his partner and he lost in the litigation. Mendl Hersh the thief is not obeying the ruling, and has entered into secular litigation that is not per Rabbinical Litigation permission"

¹ The Video can be accessed at the following link: https://www.youtube.com/watch?v=oWJ3WMsR_Ng

² Because the comments below the Video are in Yiddish, Plaintiff had the comments translated by a translation services company. An affidavit averring to the accuracy of the translations is attached to this Complaint as **Exhibit 1**.

14. Plaintiff reasonably believes that the references to “Mendl Hersh” are in reference to him. The foregoing statements were calculatedly and intentionally false. To wit, Plaintiff is not a thief, never lost any sort of rabbinical litigation, nor is he in violation of any relevant rulings.

15. On or about January 18, 2021, John Doe #2, using the alias, or screen name “Chavi Biller,” posted a false defamatory and injurious message in Yiddish under the Video on the YouTube website.

16. The following statement, which is set forth *in haec verba*, is defamatory:

“Mendl Hersh the thief says not a word that his partner Mr. David Reiner began the KindLine Magazine. Details to follow.

17. Plaintiff reasonably believes that the references to “Mendl Hersh” are in reference to him.³ The foregoing statements were calculatedly and intentionally false. To wit, Plaintiff is not a thief.

18. On or about January 19, 2021, John Doe #3, using the alias, or screen name “Avi Deblinger” posted a false defamatory and injurious message in Yiddish under the Video on the YouTube website.

19. The following statement, which is set forth *in haec verba*, is defamatory:

“Might there be anyone who knows where Mendl Hersh Fant prays? He has no foot in the door of any synagogue. He has swindled everybody and conducts himself like a Mafioso with all his painters and all his partners.”

20. Plaintiff reasonably believes that the reference to “Mendl Hersh Fant” are in reference to him. The foregoing statements were calculatedly and intentionally false. To wit, Plaintiff is not a dishonest businessman, nor is he an organized crime figure.

³ In Hebrew, Plaintiff’s name is phonetically spelled “Mendl Fant.” Plaintiff’s legal middle name is “Hersh.”

COUNT I
DEFAMATION/LIBEL

21. Plaintiff repeats and re-alleges all of the allegations set forth above as if fully set forth at length herein.

22. The foregoing statements are defamatory statements of fact concerning Plaintiff.

23. The foregoing statements have been published on the Internet and viewed by third parties.

24. The foregoing statements are false.

25. Defendants published the foregoing statements intentionally, with actual malice, and without privilege to do so.

26. Defendants posted the foregoing statements with willful and conscious disregard for the rights of Plaintiff.

27. Defendants were aware of the harmful consequences of their misconduct and deliberately elected such consequences, including subjecting Plaintiff to cruel and unusual hardship in conscious disregard for the rights of Plaintiff.

28. The foregoing statements constitute defamation *per se* because they impute fraud, dishonesty, and unfitness to Plaintiff, thereby injuring Plaintiff's professional reputation.

29. Plaintiff has suffered actual and special damages as a result of the publication of the foregoing statements.

30. Because of Defendants' deliberate acts, an award of exemplary and punitive damages is justified.

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. An order requiring Defendants to remove the defamatory messages from the Internet, to the extent not already removed;

2. An award of compensatory damages;

3. An award of consequential damages;

4. An award of punitive/exemplary damages;

5. An award of costs, expenses, and attorneys' fees; and

6. Such other and further relief as the Court deems fair and just.

Respectfully Submitted,

/s/ Christopher W. Niro

Christopher W. Niro

Counsel for Plaintiff Mendel Paneth

*pro hac vice motion pending

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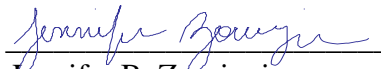
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Dated: New York, New York
February 12, 2021



Jennifer B. Zourigui

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EXHIBIT 1

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**AFFIDAVIT OF
DON HANLEY**

Donald W. Hanley declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the CEO of legaltranslations.biz (the “Company”). As such, I have authority to make statements in this Affidavit on the Company’s behalf.
2. The Company provides translation services in the legal industry.
3. On or about January 22, 2021, Benno Mekimi, a competent translator, well acquainted with both Yiddish and English, translated a series of comments listed below the video accessible at the following link: https://www.youtube.com/watch?v=oWJ3WMsR_Ng.¹
4. To the best of my knowledge and belief, the translations are a true and complete rendering into English.

FURTHER AFFIANT SAYETH NOT.

2/5/2021

Dated



Donald W. Hanley

¹ A copy of Benno Mekimi’s declaration in support of the translation is attached to this Affidavit as Exhibit A.

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EXHIBIT A

Declaration of Benno Mekimi

1. I, Benno Mekimi, hereby certify that I am competent to translate from Yiddish into English.
2. I hereby certify that I prepared the foregoing translation and that it is, to the best of my knowledge and belief, a true and accurate English translation of web site responses.
3. I acknowledge that willful false statements and the like are punishable by fine and/or imprisonment.
4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true.
5. I declare under penalty of perjury that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.

Executed on: 1/25/2021

Signed:

A handwritten signature in black ink, appearing to read 'Benno Mekimi', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'B' and a long, horizontal stroke extending to the right.